

Remarks

Applicants provide the present amendment in response to the Official Action dated April 20, 2007. Reconsideration and allowance of the subject application, in view of the following remarks, are respectfully requested.

Claim Amendments

Independent claims 1, 9 and 23 have been amended to require that the claimed “lever” and “solenoid” be “mounted to” a common “base plate.” Support for these amendments may be found through out the specification, e.g. at page 4, line 21 to page 5, line 2, FIGS. 1-7, and original claim 9.

35 U.S.C. §102

Claims 1, 3, 5, 7, 9, 12, 23, 25, 27 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Smale et al. (U.S. Patent No. 5,566,581, hereinafter “Smale”). In making this rejection, the Examiner argues that Smale teaches both a “lever” and a “solenoid” that are “coupled” to a common “base plate” since the term coupled may be defined as “to join for combined effect.” *Official Action of April 20, 2007, Response to Arguments, page 5.*

Applicants have amended independent claims 1, 9 and 23 to more particularly point out that the “lever” and “solenoid” are “**mounted to**” a common “base plate.” Smale does not anticipate independent claims 1, 9 and 23, at least because Smale does not teach both a “lever” and “solenoid” “**mounted to**” a common “base plate”, “wherein in said first position of said lever and in said extended position of said plunger, said plunger is disposed between said lever bearing surface and said stationary bearing surface blocking said lever from pivoting to said second position, and in said retracted position of said plunger said lever is not blocked from pivoting between said first position and said second position.”

The Examiner equates the latch bar 34 of Smale with the claimed “lever.” However, the latch bar 34 is mounted on a shift lever 22, and the solenoid 52 of Smale is mounted on a bracket 46. *See e.g. Col. 3, lines 61-62 and Col. 4, lines 11-14.* Clearly, Smale does not teach or suggest a “lever” and “solenoid” “**mounted to**” a common “base plate”, as recited in independent claims 1, 9 and 23. Smale does not, therefore, anticipate the pending independent claims.

Claims 3, 5, 7, 12, 25, 27 and 28 depend from independent claims 1, 9 or 23, and are not anticipated by Smale by virtue of their dependency as well as for their own limitations. Applicants respectfully request, therefore, that the rejection of claims 1, 3, 5, 7, 9, 12, 23, 25, 27 and 28 as being anticipated by Smale be withdrawn upon reconsideration.

35 U.S.C. §103

Dependent claims 2 and 24 have been rejected under 35 U.S.C. §103(a) as being obvious in view of Smale combined with Dörr et al. (U.S. Patent No. 5,379,872, hereinafter “Dorr”). Claim 2 depends from claim 1 and claim 24 depends from claim 23. By virtue of their dependency therefore, claims 2 and 24 require a “lever” and “solenoid” “*mounted to*” a common “base plate.” As discussed, above Smale fails to teach or suggest such a configuration.

Dorr does not provide the missing teachings and has not been cited as such. Claims 2 and 24 are therefore allowable over the cited references by virtue of their dependency as well as for their own limitations. Applicants respectfully request, therefore, that the rejection of claims 2 and 24 as being obvious in view of Smale combined with Dorr be withdrawn upon reconsideration.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the presently pending claims are allowable over the cited references. A Notice of Allowance is earnestly solicited. No additional fees are believed necessitated by this response. However, in the event of any fee deficiencies, or that additional fees are payable, please charge our Deposit Account No. 50-2121 as necessary.

RESPECTFULLY SUBMITTED,

/Donald J. Perreault/

Donald J. Perreault, Reg. # 40,126

Attorney for Applicants
Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, NH 03101
Phone: (603)668-6560; Fax: (603)668-2970